



ಕರ್ನಾಟಕ ರಾಜ್ಯಪತ್ರ

ಅಧಿಕೃತವಾಗಿ ಪ್ರಕಟಿಸಲಾದುದು

ಸಂಪುಟ - ೧೫೬ Volume - 156	ಬೆಂಗಳೂರು, ಗುರುವಾರ, ೨೩, ಡಿಸೆಂಬರ್, ೨೦೨೧ (ಪುಷ್ಯ, ೦೨, ಶಕವರ್ಷ, ೧೯೪೩) BENGALURU, THURSDAY, 23, DECEMBER, 2021 (PUSHYA , 02, SHAKAVARSHA, 1943)	ಸಂಚಿಕೆ ೨೦೮ Issue 208
-----------------------------	--	-------------------------

ಭಾಗ ೪

ಕೇಂದ್ರದ ವಿಧೇಯಕಗಳು ಮತ್ತು ಅವುಗಳ ಮೇಲೆ ಪರಿಶೀಲನಾ ಸಮಿತಿಯ ವರದಿಗಳು,
ಕೇಂದ್ರದ ಅಧಿನಿಯಮಗಳು ಮತ್ತು ಅಧ್ಯಾದೇಶಗಳು, ಕೇಂದ್ರ ಸರ್ಕಾರದವರು ಹೊರಡಿಸಿದ
ಸಾಮಾನ್ಯ ಶಾಸನಬದ್ಧ ನಿಯಮಗಳು ಮತ್ತು ಶಾಸನಬದ್ಧ ಆದೇಶಗಳು ಮತ್ತು
ರಾಷ್ಟ್ರಪತಿಯವರಿಂದ ರಚಿತವಾಗಿ ರಾಜ್ಯ ಸರ್ಕಾರದವರಿಂದ
ಪುನಃ ಪ್ರಕಟವಾದ ಆದೇಶಗಳು

ಸಂಸದೀಯ ವ್ಯವಹಾರಗಳು ಮತ್ತು ಶಾಸನ ರಚನೆ ಇಲಾಖೆ
ಅಧಿಸೂಚನೆ

ಸಂಖ್ಯೆ: ಸಂವ್ಯಶಾಇ 18 ಕೇಶಾಪು 2021

ಬೆಂಗಳೂರು, ದಿನಾಂಕ: 26.11.2021.

ದಿನಾಂಕ: 31.07.2021 ರಂದು ಭಾರತ ಸರ್ಕಾರದ ಗೆಜೆಟ್‌ನ ವಿಶೇಷ ಸಂಚಿಕೆಯ Part-II-
Section-1 ರಲ್ಲಿ ಪ್ರಕಟವಾದ THE MARINE AIDS TO NAVIGATION ACT, 2021 (NO.20 OF
2021) ಅನ್ನು ಸಾರ್ವಜನಿಕರ ಮಾಹಿತಿಗಾಗಿ ಕರ್ನಾಟಕ ರಾಜ್ಯಪತ್ರದಲ್ಲಿ ಮರು ಪ್ರಕಟಿಸಲಾಗಿದೆ,-



भारत का राजपत्र The Gazette of India

सी.जी.-डी.एल.-अ.-02082021-228683
CG-DL-E-02082021-228683

असाधारण

EXTRAORDINARY

भाग II — खण्ड 1

PART II — Section 1

प्राधिकार से प्रकाशित

PUBLISHED BY AUTHORITY

सं० 32] नई दिल्ली, शनिवार, जुलाई 31, 2021/ श्रावण 9, 1943 (शक)
No. 32] NEW DELHI, SATURDAY, JULY 31, 2021/SRAVANA 9, 1943 (SAKA)

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।
Separate paging is given to this Part in order that it may be filed as a separate compilation.

MINISTRY OF LAW AND JUSTICE (Legislative Department)

New Delhi, the 2nd August, 2021/ Sravana 11, 1943 (Saka)

The following Act of Parliament received the assent of the President on the 31st July, 2021, and is hereby published for general information:—

THE MARINE AIDS TO NAVIGATION ACT, 2021

No. 20 OF 2021

[31st July, 2021.]

An Act to provide for the development, maintenance and management of aids to navigation in India; for training and certification of operator of aids to navigation, development of its historical, educational and cultural value; to ensure compliance with the obligation under the maritime treaties and international instruments to which India is a party and for matters connected therewith or incidental thereto.

WHEREAS India is signatory to maritime treaties and international instruments such as International Convention for the Safety of Life at Sea, 1974, as amended; and International Association of Marine Aids and Lighthouse Authorities Maritime Buoyage System;

AND WHEREAS it is considered necessary to give effect to the said treaties and instruments which, *inter alia*, provide for aids to navigation, vessel traffic services and marking of wrecks;

AND WHEREAS it is necessary to provide for and create a framework for the development, maintenance and management of vessel traffic services in India; training and certification of operators of aids to navigation; and the development of the historical educational and cultural value of aids to navigation;

AND WHEREAS it is further necessary to create a framework for the levy and collection of marine aids to navigation dues to discharge the sovereign functions of development, maintenance and management of aids to navigation and vessel traffic services in India by Government, and for matters connected therewith or incidental thereto.

BE it enacted by Parliament in the Seventy-second Year of the Republic of India as follows:—

CHAPTER I

PRELIMINARY

Short title,
extent and
commencement.

1. (1) This Act may be called the Marine Aids to Navigation Act, 2021.

(2) It extends to the whole of India including the maritime zones of India as specified in the Territorial Waters, Continental Shelf, Exclusive Economic Zone and Other Maritime Zones Act, 1976.

80 of 1976.

(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint; and different dates may be appointed for different provisions of this Act and any reference in any such provision to the commencement of this Act shall be construed as a reference to the coming into force of that provision.

Definitions.

2. (1) In this Act, unless the context otherwise requires,—

(a) “accredited training organisation” means any organisation which is accredited by the Central Government under section 20;

(b) “aid to navigation” means a device, system or service, external to vessels, designed and operated to enhance safe and efficient navigation of individual vessels and vessel traffic, but shall not be construed to include a reference to vessel traffic services, unless otherwise specified;

(c) “Director General” means the Director General of Aids to Navigation appointed under section 4;

(d) “district” means an area demarcated as a district for the purposes of this Act under sub-section (1) of section 4;

(e) “general aid to navigation” means any aid to navigation, which the Central Government may, by notification in the Official Gazette, declare to be a general aid to navigation for the purposes of this Act;

(f) “heritage lighthouse” means an aid to navigation designated as such under section 23;

(g) “local aid to navigation” means any aid to navigation which is not a general aid to navigation;

(h) “local authority” means a State Government or other person having superintendence and management over a local aid to navigation;

(i) “marine aids to navigation dues” means the dues levied under section 24;

(j) “notification” means a notification published in the Official Gazette of India and the expression “notify” with its grammatical variation and cognate expressions shall be construed accordingly;

(k) “owner” means the owner of a vessel including its registered owner, a person to whom a share in the vessel belongs, bareboat charterer, manager and operator of the vessel;

(l) “port” means any port as defined in the Indian Ports Act, 1908;

15 of 1908.

(m) “prescribed” means prescribed by rules made under this Act;

(n) “proper officer” in relation to any functions to be performed under this Act, means the officer of customs who is assigned those functions by the Central Board of Indirect Taxes and Customs constituted under the Central Boards of Revenue

54 of 1963.

Act, 1963, and includes any person appointed by the Central Government to discharge the functions of a proper officer under this Act;

(o) "rule" means rules made by the Central Government under this Act;

(p) "ship" includes a sailing vessel;

(q) "vessel" includes every description of water craft used or capable of being used in the marine environment, such as ship, boat, sailing vessel, fishing vessel, submersible, semi-submersible, hydrofoils, non-displacement crafts, amphibious crafts, wing-in-ground crafts, pleasure crafts, barges, lighters, mobile offshore drilling units or mobile offshore units;

(r) "vessel traffic service" means a service implemented under this Act to improve the safety and efficiency of vessel traffic and to protect the environment.

44 of 1958.

(2) Words and expressions used but not defined in this Act, and defined in the Merchant Shipping Act, 1958, shall have the same meanings respectively assigned to them in that Act.

CHAPTER II

DESIGNATION OF GENERAL AID TO NAVIGATION

3. The Central Government may, by notification in the Official Gazette, designate any aid to navigation to be a general aid to navigation.

Power to designate general aid to navigation.

CHAPTER III

DIRECTOR GENERAL OF AIDS TO NAVIGATION

4. (1) The Central Government shall, by notification in the Official Gazette, appoint,—

(a) the Director General;

(b) Deputy Director Generals; and

(c) Directors for districts.

Appointment of Director General, Deputy Director Generals and Directors.

(2) For the purposes of sub-section (1), the Central Government may demarcate such areas to be districts.

(3) Every officer appointed under sub-section (1) shall discharge his functions under the general superintendence and control of the Director General.

5. The Director General shall advise the Central Government on matters relating to aids to navigation and perform such other duties as may be prescribed by the Central Government under this Act or in any other law for the time being in force.

Duties of Director General.

6. (1) The Central Government shall, by notification in the Official Gazette, appoint a Central Advisory Committee.

Central Advisory Committee.

(2) The Central Government shall consult the Central Advisory Committee in regard to—

(a) the establishment or position of aids to navigation or of any works appertaining thereto; or

(b) additions to or the alteration or removal of, any aid to navigation; or

(c) variations to any aid to navigation or of the mode of use thereof; or

(d) the cost of any proposal relating to aids to navigation; or

(e) appointment of any sub-committee under sub-section (3); or

(f) the making or alteration of any rules or rates of marine aids to navigation dues under this Act.

(3) The Central Government may, if it deems necessary, appoint sub-committees for the purposes of advising it in regard to any of the matters specified under this Act.

(4) The Central Advisory Committee and the sub-committees referred to in sub-section (3) shall consist of such persons representing the interests affected by this Act or having special knowledge of the subject matter thereof.

(5) The procedure and conduct of business of the Central Advisory Committee and the sub-committees referred to in sub-section (3) shall be such as may be prescribed.

Proceedings of Central Advisory Committee not to be invalidated.

7. No act or proceeding of the Central Advisory Committee shall be invalidated merely by reason of—

- (a) any vacancy in, or any defect in its constitution; or
- (b) any defect in appointment of a person acting as its member; or
- (c) any irregularity in its procedure not affecting the merits of the case.

CHAPTER IV

MANAGEMENT OF GENERAL AIDS TO NAVIGATION

Management of general aids to navigation.

8. The development, maintenance and management of all general aids to navigation shall be vested in the Central Government.

Powers of Central Government relating to aids to navigation.

9. (1) The Central Government, shall have the following powers relating to the development, maintenance and management of general aids to navigation, namely:—

- (a) establish and maintain aids to navigation;
- (b) add to, alter or remove any aid to navigation;
- (c) alter or vary any aid to navigation;
- (d) authorise to inspect any aid to navigation which may affect the safety of navigation;
- (e) authorise to enter any property, whether public or private, for the purposes of inspection of any aid to navigation;
- (f) transport, or cause to be transported, any goods through any property, whether public or private, for any purpose in connection with—
 - (i) the maintenance of an aid to navigation; or
 - (ii) the establishment of any aid to navigation;
- (g) acquire any land as may be necessary for the purposes of this Act—
 - (i) to exercise its powers; or
 - (ii) for the maintenance of works.

(2) The Central Government shall, for the purposes of exercising its powers under sub-section (1), authorise any of the officers referred to in sub-section (1) of section 4, by general or special order in writing.

CHAPTER V

MANAGEMENT OF VESSEL TRAFFIC SERVICES

Management of vessel traffic services.

10. (1) The development, maintenance and management of vessel traffic services shall be vested in the Central Government.

(2) For the purposes of sub-section (1), the Central Government may, by order, authorise any person as vessel traffic service provider.

Powers of Central Government relating to vessel traffic services.

11. The Central Government, shall have the following powers relating to the development, maintenance and management of vessel traffic services, namely:—

- (a) declare and authorise vessel traffic service provider to operate a vessel traffic service within an authorised area;

- (b) accredit and approve vessel traffic service training and certification;
- (c) establish and operate vessel traffic services, where it deems necessary;
- (d) add to or alter or require any person to add to or alter any aspect of a vessel traffic service.

12. (1) The Central Government shall, for the purposes of exercising its powers under section 11, appoint a Competent Authority for Vessel Traffic Services by notification in the Official Gazette.

Competent Authority for Vessel Traffic Services.

(2) The manner of appointment of the Competent Authority shall be such as may be prescribed.

(3) The Competent Authority shall discharge such functions in such manner, as may be prescribed.

13. The standards for establishing and operating vessel traffic services in India shall be such, as may be prescribed.

Standards for establishment and operation of vessel traffic services.

CHAPTER VI

INSPECTION AND MANAGEMENT OF LOCAL AIDS TO NAVIGATION

14. (1) The Central Government may authorise any officer referred to in sub-section (1) of section 4 in writing, to enter upon at any time and inspect any local aid to navigation and make such inquiries in respect thereof or of the management thereof as such officer thinks fit.

Power to inspect local aids to navigation.

(2) Every person having the charge of, or concerned in the management of, any local aid to navigation shall furnish to the officer authorised under sub-section (1) to inspect such aid to navigation, all such information as the officer may require.

(3) Every local authority shall furnish to the Central Government all such returns and other information in respect of the aids to navigation under its supervision and management, or of any of them, as the Central Government may require.

15. (1) If the Central Government is satisfied, after an inspection under section 14 or such other inquiry, that a direction under this sub-section is necessary or expedient for the safety, or otherwise, in the interests of vessels, it may direct any local authority—

Control of local aids to navigation by Central Government.

(a) to remove or discontinue or to refrain from moving or discontinuing any aid to navigation under its superintendence and management or to make or refrain from making any variation in the character or mode of use of any such aid to navigation; or

(b) to erect, place or maintain, or to refrain from erecting, placing or maintaining any aid to navigation within the local limits within which the local authority exercises its powers.

(2) A local authority shall not erect, place, remove or discontinue any aid to navigation or vary the character or mode of use of any aid to navigation, unless it has given to the Central Government at least one month's notice in writing of its intention so to do:

Provided that, in cases of emergency, a local authority may take such action as it deems necessary and shall give immediate notice of the same to the Central Government and, so far as is possible, to all vessels approaching or in the vicinity of such aid to navigation.

(3) If any local authority—

(a) fails to comply with any direction made under sub-section (1); or

(b) fails to exercise or perform, or exercises or performs in an improper, inefficient or unsuitable manner, any power or duty relating to the superintendence or management of any aid to navigation conferred or imposed upon it by or under any law for the time being in force; or

(c) fails to make adequate financial provision for the performance of any such duty,

the Central Government may, by order in writing, require such local authority to comply with the direction, or to make arrangements to the satisfaction of that Government for the proper exercise of the power or performance of the duty, or to make financial provision to the satisfaction of that Government for the performance of the duty, as the case may be, within such period as it may specify.

(4) If the local authority fails to comply with an order made under sub-section (3) within the specified period or within such further time as the Central Government may allow, the Central Government may exercise the power or perform the duty or make the requisite financial provision, as the case may be, and the local authority shall be liable to reimburse to the Central Government any expenditure incurred by it in so doing.

Management of local aids to navigation by Central Government.

16. The Central Government may, at the request of a local authority, undertake the superintendence and management of any local aids to navigation on its behalf, and the local authority shall pay to the Central Government such sums to defray the cost of superintendence and management, as may be agreed.

CHAPTER VII

OBSTRUCTION TO FUNCTIONING OF AIDS TO NAVIGATION

Power of Central Government to remove or alter obstructions to aids to navigation.

17. (1) The Central Government may, by notification in the Official Gazette, specify restrictions on activities that interfere with or obstruct the operation of any aid to navigation within the specified distance of such aid to navigation.

(2) Notwithstanding anything contained in any other law for the time being in force, where the functioning of any aid to navigation or vessel traffic service is being obstructed, directly or indirectly, the Central Government may, if it deems fit, issue such directions as may be necessary for the removal or alteration of such obstruction.

CHAPTER VIII

TRAINING AND CERTIFICATION

Power of Central Government to train and certify operators of aids to navigation and vessel traffic services.

18. (1) No person shall be allowed to operate or work on, including any ancillary activities as may be prescribed, any aid to navigation in any place unless he holds a valid training certificate certifying that such person has been trained in the operation of such aid to navigation.

(2) No person shall be allowed to operate or work on, including any ancillary activities as may be prescribed, a vessel traffic service in any place unless he holds a valid training certificate certifying that such person has been trained in the operation of vessel traffic services.

(3) A certificate of training issued under this Act shall be valid and effective throughout the territory of India.

Certification.

19. A certificate mentioned in sub-sections (1) and (2) of section 18 shall be issued by an accredited training organisation referred to in section 20, in such form, subject to such conditions and in such manner, as may be prescribed.

Accreditation of training organisations.

20. (1) The Central Government shall accredit training organisations for imparting training to, or conduct assessments of, persons in the operation of aids to navigation and vessel traffic services.

(2) The Central Government shall accredit such training organisations which meet the criteria, as may be prescribed, for imparting training to trainees or conduct assessment of persons in the operation of aids to navigation and vessel traffic services.

CHAPTER IX

MARKING OF WRECKS

Marking of wrecks.

21. The Central Government may, if considers necessary, give directions to any officer referred to in sub-section (1) of section 4 to mark any wreck in such manner as may be prescribed.

22. The cost for marking the wreck shall be borne by or recovered from the owner or the operator of such vessel in such manner as may be prescribed.

Reimbursement for marking wrecks.

CHAPTER X

DEVELOPMENT OF HERITAGE LIGHTHOUSES

23. (1) The Central Government may, by notification in the Official Gazette, designate any aid to navigation under its control as a heritage lighthouse.

Power of Central Government to designate any aid to navigation as heritage lighthouse.

(2) The Central Government shall develop the heritage lighthouses designated under sub-section (1), in addition to their function as aids to navigation or otherwise, for educational, cultural and tourism purposes, in such manner as may be prescribed.

CHAPTER XI

MARINE AIDS TO NAVIGATION DUES

24. (1) There shall be levied and collected the marine aids to navigation dues, at such rates, as the Central Government may, by notification in the Official Gazette, specify from time to time.

Levy and collection of marine aids to navigation dues.

(2) The marine aids to navigation dues levied under sub-section (1) shall be collected by the proper officer in respect of every ship arriving at or departing from any port in India, from such person, in such manner and at such time, as may be prescribed.

(3) The proceeds of the marine aids to navigation dues collected shall be credited to the Consolidated Fund of India in such manner as may be prescribed.

(4) Every owner causing any ship to arrive at or depart from any port in India shall, self-assessing its liability to pay dues, file a return before the proper officer in such form and manner, as may be prescribed.

25. The marine aids to navigation dues levied under this Act shall be utilised for fulfilling the obligations and carrying out the purposes of this Act.

Utilisation of marine aids to navigation dues.

26. (1) The owner shall credit the marine aids to navigation dues into the account of the Central Government in such manner as may be prescribed.

Receipts relating to marine aids to navigation dues and their verification.

(2) The payment of marine aids to navigation dues shall be verified by the proper officer in respect of—

- (a) the port at which the marine aids to navigation dues has been paid;
- (b) the amount of the payment;
- (c) the date on which the marine aids to navigation dues became payable; and
- (d) the name, tonnage and other proper description of the ship in respect of which the payment is made,

for the purpose of granting clearance.

27. (1) The proper officer to whom the return has been furnished under sub-section (4) of section 24 shall, after making or causing to be made such inquiry as he thinks fit and after satisfying himself that the particulars stated in the return are correct, by order, assess the amount of marine aids to navigation dues payable by the owner or the master of the ship.

Assessment of marine aids to navigation dues and ascertainment of tonnage.

(2) If the return has not been furnished to the proper officer under sub-section (4) of section 24, he shall, after making or causing to be made such inquiry as he thinks fit, by order, assess the amount of marine aids to navigation dues payable by the owner or the master of the ship.

(3) For the purposes of levy of marine aids to navigation dues, the tonnage of a ship or sailing vessel shall be reckoned as under the Merchant Shipping Act, 1958, for such dues payable on a ship's tonnage including the tonnage of any space added under the said Act to the tonnage of ships by reason of such space being utilised for carrying cargo.

(4) In order to ascertain the tonnage of any ship for the purpose of levying marine aids to navigation dues, the proper officer may, if he deems it fit, require the production of any

documents, the appearance of any person and the inspection of any vessel, in such manner as may be prescribed.

Recovery of
marine aids to
navigation
dues.

28. (1) If the owner of any ship refuses or neglects to pay the amount of marine aids to navigation dues payable under this Act in respect of the ship, the proper officer may seize the ship along with its equipment or any part thereof, and detain the same until the amount of the marine aids to navigation dues, together with the costs of the seizure and detention is paid.

(2) If any part of such marine aids to navigation dues remains unpaid after the expiry of thirty days following the date of the seizure, the proper officer may cause the ship or other thing seized to be sold, and with the proceeds of the sale may satisfy the marine aids to navigation dues remaining unpaid, together with the costs of the sale and shall repay the surplus, if any, to the person by whom the same were payable.

Refusal of
port
clearance.

29. The officer whose duty it is to grant a port clearance for any ship shall not grant the port clearance until the amount of marine aids to navigation dues payable in respect of the ship under this Act and of any fines imposed thereunder has been paid, or until security for the payment thereof has been given to his satisfaction.

Determination
of disputes as
to liability for
payment.

30. If any dispute arises as to whether marine aids to navigation dues, expenses or costs are payable in respect of any ship under this Act or as to the amount of such dues, expenses or costs, such dispute shall, on an application made in this behalf by either of the disputing parties, be heard and determined by a civil court having jurisdiction at the place where the dispute arose.

Marine aids to
navigation
dues payable
at one port
recoverable at
another.

31. (1) If the master of any ship in respect of which marine aids to navigation dues is payable at any port causes the ship to leave such port without having paid such dues, the proper officer at that port may, by writing, require the proper officer at any other port in India to which the ship may proceed, to recover the marine aids to navigation dues remaining unpaid.

(2) Any proper officer to whom such a requisition is directed, shall proceed to levy such sum as if it were payable under this Act at the port at which he is the proper officer, and a certificate by the proper officer at the port at which the marine aids to navigation dues first became payable, stating the amount payable, shall be sufficient proof in any proceeding under this Act that such amount is payable.

Exemption.

32. The Central Government may, by notification in the Official Gazette, exempt—

(a) any ship belonging to the Central Government or any State Government, which is not carrying cargo or passengers for freight or fares; or

(b) any other ship, or classes of ships or ships performing specified voyages, from the payment of marine aids to navigation dues either wholly or to such extent as may be specified in that notification.

Refund of
excess
payments.

33. Where the marine aids to navigation dues has been paid in respect of any ship in excess of the amount payable under this Act, no claim to refund of such excess payment shall be admissible, unless it is made within six months from the date of such payment.

Fees.

34. The fees to be charged for providing assistance to ships for rendering special services to vessels shall be at such rates as may be prescribed.

CHAPTER XII

FINANCE, ACCOUNTS AND AUDIT

Receipt and
expenditure.

35. The Central Government shall cause to be maintained a separate account of all amounts received by way of marine aids to navigation dues, expenses, costs and fines under this Act and of all expenditure incurred for the purposes of this Act, and shall cause such account to be laid before the Central Advisory Committee, as soon as possible after the close of each financial year.

Annual
report.

36. (1) The Central Government shall cause to be laid before the Central Advisory Committee before the close of each financial year a statement of the estimated receipts under,

and expenditure for the purposes of this Act, during the forthcoming year.

(2) The statement of estimated receipts and expenditure shall be prepared in consultation with the Comptroller and Auditor-General of India, in such manner as may be prescribed.

CHAPTER XIII

OFFENCES AND PENALTIES

37. (1) Whoever, intentionally commits any act or omits to do any act, which results in obstruction of, or reduction in, or limitation of, the effectiveness of, any aid to navigation or vessel traffic service, shall be liable to imprisonment for a term which may extend up to six months or with fine which may extend up to one lakh rupees, or with both.

Intentionally obstructing aids to navigation or vessel traffic services.

(2) Notwithstanding anything contained in sub-section (1), no person shall be liable for punishment, if that—

(a) act or omission was necessary to save a life or a vessel; and

(b) such person took all reasonable steps to avoid the obstruction, reduction or limitation.

38. (1) Whoever, negligently commits any act or omits to do any act, which results in obstruction of, or reduction in, or limitation of, the effectiveness of, any aid to navigation or vessel traffic service, shall be liable to imprisonment for a term which may extend up to three months or with fine which may extend up to fifty thousand rupees, or with both.

Negligently obstructing aids to navigation or vessel traffic services.

(2) Notwithstanding anything contained in sub-section (1), no person shall be liable for punishment, if that—

(a) act or omission was necessary to save a life or a vessel; and

(b) such person took all reasonable steps to avoid the obstruction, reduction or limitation.

39. (1) Whoever, intentionally commits any act or omits to do any act, which results in damage to or destruction of any aid to navigation or vessel traffic service, shall be liable to imprisonment for a term which may extend up to twelve months or with fine which may extend up to five lakh rupees, or with both.

Intentionally destroying or damaging aids to navigation or vessel traffic services.

(2) Notwithstanding anything contained in sub-section (1), no person shall be liable for punishment, if that—

(a) act or omission was necessary to save a life or a vessel; and

(b) such person took all reasonable steps to avoid the damage or destruction.

40. (1) Whoever, negligently commits any act or omits to do any act, which results in damage to or destruction of any aid to navigation or vessel traffic service, shall be liable to imprisonment for a term which may extend up to six months or with fine which may extend up to one lakh rupees, or with both.

Negligently destroying or damaging aids to navigation or vessel traffic services.

(2) Notwithstanding anything contained in sub-section (1), no person shall be liable for punishment, if that—

(a) act or omission was necessary to save a life or a vessel; and

(b) such person took all reasonable steps to avoid the damage or destruction.

41. (1) Whoever, commits any act or omits to do any act, which results in damage to or destruction of any heritage lighthouse, shall be liable to imprisonment for a term which may extend up to six months or with fine which may extend up to one lakh rupees, or with both.

Causing damage to heritage lighthouse.

(2) Notwithstanding anything contained in sub-section (1), no person shall be liable for punishment, if that—

(a) act or omission was necessary to save a life or a vessel; and

(b) such person took all reasonable steps to avoid the destruction, fouling, damage, reduction or limitation.

Evading
payment of
marine aids to
navigation
dues.

42. Every owner or master of a ship, who evades or attempts to evade the payment of marine aids to navigation dues, expenses or costs payable in respect of the ship under this Act, shall be liable for fine, which may extend up to five times the amount of the sum so payable.

Non-
compliance
with
directions of
vessel traffic
service
provider.

43. Every owner or master of a ship, who fails to comply with any direction issued by a vessel traffic service provider relating to a vessel traffic service under this Act, shall be liable to fine which may extend up to one lakh rupees.

Cognizance of
offences.

44. (1) No court shall take cognizance of any offence under this Act, except upon a complaint in writing made by any officer authorised in this behalf by the Central Government.

(2) No court inferior to that of a Metropolitan Magistrate or a Judicial Magistrate of the first class shall try any offence under this Act.

Place of trial
and
jurisdiction of
court.

45. Whoever, commits any offence under this Act or any rules made thereunder, may ordinarily be inquired into and tried by a court within whose local jurisdiction—

(a) such offence was committed; or

(b) such person may be found; or

(c) in any court which the Central Government may, by notification, direct in this behalf; or

(d) in any court in which he might be tried under any other law for time being in force.

CHAPTER XIV

MISCELLANEOUS

Power of
Central
Government
to make rules.

46. (1) The Central Government may, after previous publication, make rules for carrying out the purposes of this Act.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:—

(a) duties of the Director General under section 5;

(b) procedure and conduct of business of Central Advisory Committee and sub-committees constituted under sub-section (5) of section 6;

(c) manner of appointment of the Competent Authority under sub-section (2) and its functions under sub-section (3), of section 12;

(d) standards for establishment and operation of vessel traffic services under section 13;

(e) ancillary activities relating to aids to navigation under sub-section (1) and ancillary activities relating to vessel traffic services under sub-section (2), of section 18;

(f) form and manner of certificate, to be issued and the conditions subject to which such certificate is to be issued by the accredited training organisation and validated by the Director General under section 19;

(g) criteria for accreditation of training organisation under sub-section (2) of section 20;

(h) manner of marking wrecks under section 21;

(i) manner of recovering cost from the owner of the vessel for marking the wreck under section 22;

(j) development of heritage lighthouses designated under sub-section (2) of section 23;

(k) manner of, collection of marine aids to navigation dues by proper officer levied under sub-section (2) and crediting the proceeds of the dues so collected under sub-section (3), of section 24;

(l) form and manner of filing return under sub-section (4) of section 24;

(m) manner of payment of marine aids to navigation dues to the Central Government under sub-section (1) of section 26;

(n) manner of production of documents, appearance of any person and inspection of any vessel by proper officer under sub-section (4) of section 27;

(o) rates of fees for special services under section 34;

(p) form and manner of statement of estimated receipts and expenditure to be prepared in consultation with the Comptroller and Auditor-General of India under sub-section (2) of section 36;

(q) any other matter which is required to be, or may be, prescribed, for the purposes of carrying out the purposes of this Act.

47. The Central Government may delegate to any of its officers all or any of the functions and powers conferred upon it under this Act.

Delegation of powers by Central Government.

48. (1) Notwithstanding anything contained in this Act, the Director General shall, in the discharge of his functions and duties under this Act, be bound by such directions on questions of policy as the Central Government may give to him in writing from time to time.

Power of Central Government to issue directions.

(2) The decision of the Central Government whether a question is one of policy or not shall be final.

49. No suit, prosecution or other proceedings shall lie against the Central Government or any officer appointed under this Act for anything done or in good faith purporting to be done under this Act or the rules made thereunder.

Protection of action taken in good faith.

50. (1) If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, by order, published in the Official Gazette, make such provisions not inconsistent with the provisions of this Act as may appear to be necessary or expedient for removing the difficulty:

Power to remove difficulties.

Provided that no such order shall be made under this section after the expiry of three years from the commencement of this Act.

(2) Every order made under this section shall be laid, as soon as may be after it is made, before each House of Parliament.

51. Every rule made and every notification issued under this Act shall be laid, as soon as may be after it is made or issued, before each House of Parliament while it is in session for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in such rule, or notification or both Houses agree that the rule, should not be made or the notification should not be issued, the rule or notification shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule or notification.

Laying of rules and notifications before Parliament.

17 of 1927. 52. (1) The Lighthouse Act, 1927 is hereby repealed.

Repeal and savings.

17 of 1927. (2) Notwithstanding the repeal of the Lighthouse Act, 1927 (herein referred to as the repealed Act),—

(a) any notification, rule, regulation, bye-law, order or exemption issued, made or granted under the repealed Act shall, until revoked, have effect as if it had been issued, made or granted under the provisions of this Act;

(b) any office established or created, officer appointed and anybody elected or constituted under the repealed Act shall continue and shall be deemed to have been established, created, appointed, elected, or constituted, as the case may be, under this Act;

(c) any document referring to the repealed Act shall be construed as referring to this Act or to the provision of this Act;

(d) any fine levied under the repealed Act may be recovered as if it had been levied under this Act;

(e) any offence committed under the repealed Act may be prosecuted and punished as if it had been committed under this Act;

(f) any proceeding pending before any court under the repealed Act may be tried or disposed of under the corresponding provisions of this Act;

(g) the officers appointed under the provisions of the repealed Act and continuing during the commencement of this Act shall continue as if they have been appointed under this Act;

(h) any person appointed under or by virtue of the repealed Act shall be deemed to have been appointed to that office under or by virtue of this Act;

(i) any inspection, investigation or inquiry ordered to be done under the provisions of the repealed Act shall continue to be proceeded with as if such inspection, investigation or inquiry was ordered to be done under the corresponding provisions of this Act.

ANOOP KUMAR MENDIRATTA,
Secretary to the Govt. of India.

ಕರ್ನಾಟಕ ರಾಜ್ಯಪಾಲರ ಆದೇಶಾನುಸಾರ
ಮತ್ತು ಅವರ ಹೆಸರಿನಲ್ಲಿ

(ಆರ್. ಶ್ರೀನಿವಾಸ)
ಸಹಾಯಕ ಪ್ರಾರೋಪಕಾರ ಮತ್ತು ಪದನಿಮಿತ್ತ
ಸರ್ಕಾರದ ಉಪ ಕಾರ್ಯದರ್ಶಿ
ಸಂಸದೀಯ ವ್ಯವಹಾರಗಳು ಮತ್ತು
ಶಾಸನ ರಚನೆ ಇಲಾಖೆ

PR-102

**ಸಂಸದೀಯ ವ್ಯವಹಾರಗಳು ಮತ್ತು ಶಾಸನ ರಚನೆ ಇಲಾಖೆ
ಅಧಿಸೂಚನೆ**

ಸಂಖ್ಯೆ: ಸಂವ್ಯಶಾಇ 19 ಕೇಶಾಪು 2021

ಬೆಂಗಳೂರು, ದಿನಾಂಕ: 26.11.2021.

ದಿನಾಂಕ: 04.04.2021 ರಂದು ಭಾರತ ಸರ್ಕಾರದ ಗೆಜೆಟ್‌ನ ವಿಶೇಷ ಸಂಚಿಕೆಯ Part-II-
Section-1 ರಲ್ಲಿ ಪ್ರಕಟವಾದ THE TRIBUNALS REFORMS (RATIONALISATION AND
CONDITIONS OF SERVICE) ORDINANCE, 2021 (NO. 2 OF 2021) ಮತ್ತು ಸದರಿ ಅಧ್ಯಾದೇಶಕ್ಕೆ
ಸಂಬಂಧಿಸಿದ ದಿನಾಂಕ: 13.04.2021ರ ಭಾರತ ಸರ್ಕಾರದ ರಾಜ್ಯಪತ್ರದಲ್ಲಿ ಪ್ರಕಟಿಸಲ್ಪಟ್ಟಿರುವ
Corrigenda ಅನ್ನು ಸಾರ್ವಜನಿಕರ ಮಾಹಿತಿಗಾಗಿ ಕರ್ನಾಟಕ ರಾಜ್ಯಪತ್ರದಲ್ಲಿ ಮರು
ಪ್ರಕಟಿಸಲಾಗಿದೆ,-



भारत का राजपत्र The Gazette of India

सी.जी.-डी.एल.-अ.-04042021-226364
CG-DL-E-04042021-226364

असाधारण

EXTRAORDINARY

भाग II — खण्ड 1

PART II — Section 1

प्राधिकार से प्रकाशित

PUBLISHED BY AUTHORITY

सं० 20]

नई दिल्ली, रविवार, अप्रैल 4, 2021/चैत्र 14, 1943 (शक)

No. 20]

NEW DELHI, SUNDAY, APRIL 4, 2021/CHAITRA 14, 1943 (SAKA)

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।
Separate paging is given to this Part in order that it may be filed as a separate compilation.

MINISTRY OF LAW AND JUSTICE (Legislative Department)

New Delhi, the 4th April, 2021/Chaitra 14, 1943 (Saka)

THE TRIBUNALS REFORMS (RATIONALISATION AND CONDITIONS OF SERVICE) ORDINANCE, 2021

No. 2 OF 2021

Promulgated by the President in the Seventy-Second
Year of the Republic of India.

*An Ordinance further to amend the Cinematograph
Act, 1952, the Customs Act, 1962, the Airports Authority
of India Act, 1994, the Trade Marks Act, 1999 and the
Protection of Plant Varieties and Farmers' Rights Act,
2001 and certain other Acts.*

WHEREAS The Tribunal Reforms (Rationalisation
and Conditions of Service) Bill, 2021 has been
introduced in the House of the People on the 13th day of
February, 2021;

AND WHEREAS the aforesaid Bill could not be taken up for consideration and passing in the House of the People;

AND WHEREAS Parliament is not in session and the President is satisfied that circumstances exist which render it necessary for him to take immediate action;

NOW, THEREFORE, in exercise of the powers conferred by clause (1) of article 123 of the Constitution, the President is pleased to promulgate the following Ordinance:—

CHAPTER I

PRELIMINARY

1.(1) This Ordinance may be called the Tribunals Reforms (Rationalisation and Conditions of Service) Ordinance, 2021.

Short title and commencement.

(2) It shall come into force at once.

Definitions.

2. In this Ordinance, unless the context otherwise requires,—

(a) “notified date” means the date of commencement of this Ordinance;

(b) “Schedule” means the Schedule appended to this Ordinance;

CHAPTER II

AMENDMENTS TO THE CINEMATOGGRAPH ACT, 1952

Amendment of Act 37 of 1952.

3. In the Cinematograph Act, 1952, —

(a) in section 2, clause (h) shall be omitted;

(b) in section 5C,—

(i) for the word “Tribunal”, at both the places where it occurs, the words “High Court” shall be substituted;

(ii) sub-section (2) shall be omitted;

(c) sections 5D and 5DD shall be omitted;

(d) in section 6, the words “or, as the case may be, decided by the Tribunal (but not including any proceeding in respect of any matter which is pending before the Tribunal)” shall be omitted;

(e) in sections 7A and 7C, for the word “Tribunal”, wherever it occurs, the words “High Court” shall be substituted;

(f) in sections 7D, 7E and 7F, the words “the Tribunal,” wherever they occur, shall be omitted;

(g) in section 8, in sub-section (2), clauses (h), (i), (j), and (k) shall be omitted.

CHAPTER III

AMENDMENTS TO THE COPYRIGHT ACT, 1957

Amendment of
Act 14 of 1957.

3. In the Copyright Act, 1957,—

(a) in section 2,—

(i) clause (aa) shall be omitted;

(ii) clause (fa) shall be re-lettered as clause (faa) and before the clause (faa) as so re-lettered, the following clause shall be inserted, namely:—

‘(fa) “Commercial Court”, for the purposes of any State, means a Commercial Court constituted under section 3, or the Commercial Division of a High Court constituted under section 4, of the Commercial Courts Act, 2015;’;

4 of 2016.

(iii) for clause (u), the following clause shall be substituted, namely:—

‘(u) “prescribed” means,—

(A) in relation to proceedings before a High Court, prescribed by rules made by the High Court; and

(B) in other cases, prescribed by rules made under this Act;’;

(b) in section 6,—

(i) for the words “Appellate Board”, wherever they occur, the words “Commercial Court” shall be substituted;

(ii) the words “constituted under section 11 whose decision thereon shall be final” shall be omitted;

(c) in Chapter II, in the Chapter heading, the words “AND APPELLATE BOARD” shall be omitted;

(d) sections 11 and 12 shall be omitted;

(e) in sections 19A, 23, 31, 31A, 31B, 31C, 31D, 32, 32A and 33A, for the words “Appellate Board”, wherever they occur, the words “Commercial Court” shall be substituted;

(f) in section 50, for the words “Appellate Board”, wherever they occur, the words “High Court” shall be substituted;

(g) in section 53A,—

(i) for the words “Appellate Board”, wherever they occur, the words “Commercial Court” shall be substituted;

(ii) in sub-section (2), the words “and the decision of the Appellate Board in this behalf shall be final” shall be omitted;

(h) in section 54, for the words “Appellate Board”, the words “Commercial Court” shall be substituted;

(i) for section 72, the following section shall be substituted, namely:—

“72. (1) Any person aggrieved by any final decision or order of the Registrar of Copyrights may, within three months from the date of the order or decision, appeal to the High Court.

Appeals against
orders of
Registrar of
Copyrights.

(2) Every such appeal shall be heard by a single Judge of the High Court:

Provided that any such Judge may, if he so thinks fit, refer the appeal at any stage of the proceeding to a Bench of the High Court.

(3) Where an appeal is heard by a single Judge, a further appeal shall lie to a Bench of the High Court within three months from the date of decision or order of the single Judge.

(4) In calculating the period of three months provided for an appeal under this section, the time taken in granting a certified copy of the order or record of the decision appealed against shall be excluded.”;

(j) in sections 74 and 75, the words “and the Appellate Board”, wherever they occur, shall be omitted;

(k) in section 77, the words “and every member of the Appellate Board” shall be omitted;

(l) in section 78, in sub-section (2),—

(i) clauses (cA) and (ccB) shall be omitted;

(ii) in clause (f), the words “and the Appellate Board” shall be omitted.

CHAPTER IV

AMENDMENTS TO THE CUSTOMS ACT, 1962

Amendment of
Act 52 of 1962.

5. In the Customs Act, 1962,—

(a) in section 28E, clauses (ba), (f) and (g) shall be omitted;

(b) in section 28EA, the proviso shall be omitted;

(c) in section 28F, sub-section (1) shall be omitted;

(d) in section 28KA,—

(i) in sub-section (1), for the word “Appellate Authority”, at both the places where they occur, the words “High Court” shall be substituted;

(ii) sub-section (2) shall be omitted;

(e) in section 28L, the words “or Appellate Authority”, wherever they occur, shall be omitted;

(f) in section 28M,—

(i) in the marginal heading, the words “and

Appellate Authority” shall be omitted;

(ii) sub-section (2) shall be omitted.

CHAPTER V

AMENDMENTS TO THE PATENTS ACT, 1970

Amendment of
Act 39 of 1970.

6. In the Patents Act, 1970,—

(a) in section 2, in sub-section (1),—

(i) clause (a) shall be omitted;

(ii) in clause (u), sub-clause (B) shall be omitted;

(b) in section 52, the words “Appellate Board or”, wherever they occur, shall be omitted;

(c) in section 58,—

(i) the words “the Appellate Board or”, wherever they occur, shall be omitted;

(ii) the words “as the case may be” shall be omitted;

(d) in section 59, the words “the Appellate Board or” shall be omitted;

(e) in section 64, in sub-section (1), the words “by the Appellate Board” shall be omitted;

(f) in section 71, for the words “Appellate Board” and “Board”, wherever they occur, the words “High Court” shall be substituted;

(g) in section 76, the words “or Appellate Board” shall be omitted;

(h) in section 113,—

(i) in sub-section (1),—

(A) the words “the Appellate Board or”, wherever they occur, shall be omitted;

- (B) the words "as the case may be" shall be omitted;
- (ii) in sub-section (3), the words "or the Appellate Board" shall be omitted;
- (i) in Chapter XIX, for the Chapter heading, the Chapter heading "APPEALS" shall be substituted;
- (j) sections 116 and 117 shall be omitted;
- (k) in section 117A, for the words "Appellate Board", wherever they occur, the words "High Court" shall be substituted;
- (l) sections 117B, 117C and 117D shall be omitted;
- (m) in section 117E, for the words "Appellate Board", wherever they occur, the words "High Court" shall be substituted;
- (n) sections 117F, 117G and 117H shall be omitted;
- (o) in section 151,—
- (A) in sub-section (1), the words "or the Appellate Board", at both the places where they occur, shall be omitted;
- (B) in sub-section (3), for the words "the Appellate Board or the courts, as the case may be", the words "the courts" shall be substituted;
- (p) in section 159, in sub-section (2), clauses (xiia), (xiib) and (xiic) shall be omitted.

CHAPTER VI

AMENDMENTS TO THE AIRPORT AUTHORITY OF INDIA ACT, 1994

7. In the Airports Authority of India Act, 1994,—

Amendment of
Act 55 of 1994.

- (a) in section 28A, clause (e) shall be omitted;

(b) in section 28E, for the word “Tribunal”, at both the places where it occurs, the words “Central Government” shall be substituted;

(c) sections 28I, 28J and 28JA shall be omitted;

(d) in section 28K,—

(i) in sub-section (1),—

(A) for the words “Tribunal in such form as may be prescribed”, the words “High Court” shall be substituted;

(B) in the proviso, for the word “Tribunal”, the words “High Court” shall be substituted;

(ii) sub-sections (2), (3), (4) and (5) shall be omitted;

(e) section 28L shall be omitted;

(f) in section 28M, the words “or the Tribunal” shall be omitted;

(g) in section 28N, in sub-section (2), for the word “Tribunal”, the words “High Court” shall be substituted;

(h) in section 33, the words “or the Chairperson of the Tribunal” shall be omitted;

(i) in section 41, in sub-section (2), clauses (gvi), (gvii), (gviii) and (gix) shall be omitted.

CHAPTER VII

AMENDMENTS TO THE TRADE MARKS ACT, 1999

Amendment of
Act 47 of 1999.

8. In the Trade Marks Act, 1999,—

(a) in section 2, in sub-section (1), —

(i) clauses (a), (d), (f), (k), (n), (ze) and (zf) shall be omitted;

(ii) for clause (s), the following clause shall be substituted, namely:—

‘(s) “prescribed” means,—

(i) in relation to proceedings before a High Court, prescribed by rules made by the High Court; and

(ii) in other cases, prescribed by rules made under this Act;’;

(b) in section 10, for the word “tribunal”, the words “Registrar or the High Court, as the case may be,” shall be substituted;

(c) in section 26, for the word “tribunal”, the words “Registrar or the High Court, as the case may be,” shall be substituted;

(d) in section 46, in sub-section (3), for the word “tribunal”, the words “Registrar or the High Court, as the case may be,” shall be substituted;

(e) in section 47, —

(i) for the words “Appellate Board”, at both the places where it occurs, the words “High Court” shall be substituted;

(ii) for the word “tribunal”, wherever it occurs, the words “Registrar or the High Court, as the case may be,” shall be substituted;

(f) in section 55, in sub-section (1), for the word “tribunal”, the words “Registrar or the High Court, as the case may be,” shall be substituted;

(g) in section 57, —

(i) for the words “Appellate Board”, wherever it occurs, the words “High Court” shall be substituted;

(ii) for the word “tribunal”, wherever it occurs, the words “Registrar or the High Court, as the case may be,” shall be substituted;

(h) in section 71, in sub-section (3), for the word “tribunal”, the words “Registrar or the High Court, as the case may be,” shall be substituted;

(i) in Chapter XI, for the Chapter heading, the

Chapter heading "APPEALS" shall be substituted;

(j) sections 83, 84, 85, 86, 87, 88, 89, 89A and 90 shall be omitted;

(k) in section 91, for the words "Appellate Board", wherever they occur, the words "High Court" shall be substituted;

(l) sections 92 and 93 shall be omitted;

(m) for section 94, the following section shall be substituted, namely:—

Bar to appear
before
Registrar.

"94. On ceasing to hold the office, the erstwhile Chairperson, Vice-Chairperson or other Members, shall not appear before the Registrar.";

(l) sections 95 and 96 shall be omitted;

(m) in section 97, for the words "Appellate Board", wherever they occur, the words "High Court" shall be substituted;

(n) in section 98, for the words "Appellate Board" and "Board", wherever they occur, the words "High Court" shall be substituted;

(o) sections 99 and 100 shall be omitted;

(p) in section 113, —

(i) for the words "Appellate Board", at both the places where they occur, the words "High Court" shall be substituted;

(ii) for the word "tribunal", the words "Registrar or the High Court, as the case may be," shall be substituted;

(q) in section 123, the words "and every Member of the Appellate Board" shall be omitted;

(r) in sections 124 and 125, for the words "Appellate Board", wherever they occur, the words "High Court" shall be substituted;

(s) in section 130, the words “the Appellate Board or” shall be omitted;

(t) in section 141, for the words “Appellate Board”, at both the places where they occur, the words “High Court” shall be substituted;

(u) in section 144, for the word “tribunal”, the words “Registrar or the High Court, as the case may be,” shall be substituted;

(v) in section 157, in sub-section (2),—

(i) clauses (xxxi) and (xxxii) shall be omitted;

(ii) in clause (xxxiii), for the words “Appellate Board”, the words “High Court” shall be substituted.

CHAPTER VIII

AMENDMENTS TO THE GEOGRAPHICAL INDICATIONS OF GOODS (REGISTRATION AND PROTECTION) ACT, 1999

Amendment of
Act 48 of 1999.

9. In the Geographical Indications of Goods
(Registration and Protection) Act, 1999,—

(a) in section 2, in sub-section (1), clauses (a) and (p) shall be omitted;

(b) in section 19, for the word “tribunal”, the words “Registrar or the High Court, as the case may be,” shall be substituted;

(c) in section 23, for the words “and before the Appellate Board before which”, the words “before whom” shall be substituted;

(d) in section 27, —

(i) for the words “Appellate Board”, wherever they occur, the words “High Court” shall be substituted;

(ii) for the word “tribunal”, wherever it occurs,

the words “Registrar or the High Court, as the case may be,” shall be substituted;

(e) in Chapter VII, for the Chapter heading, the Chapter heading “APPEALS” shall be substituted;

(f) in section 31,—

(i) for the words “Appellate Board”, wherever they occur, the words “High Court” shall be substituted;

(ii) sub-section (3) shall be omitted;

(g) sections 32 and 33 shall be omitted;

(h) in sections 34 and 35, for the words “Appellate Board”, wherever they occur, the words “High Court” shall be substituted;

(i) section 36 shall be omitted;

(j) in sections 48,—

(i) for the words “Appellate Board”, at both the places where it occurs, the words “High Court” shall be substituted;

(ii) for the word “tribunal”, the words “Registrar or the High Court, as the case may be,” shall be substituted;

(k) in sections 57 and 58, for the words “Appellate Board”, wherever they occur, the words “High Court” shall be substituted;

(l) in section 63, the words “the Appellate Board or” shall be omitted;

(m) in section 72, for the words “Appellate Board”, wherever they occur, the words “High Court” shall be substituted;

(n) in section 75, for the word “tribunal”, the words “Registrar or the High Court, as the case may be,” shall be substituted;

(o) in section 87, in sub-section (2), clause (n) shall be omitted.

CHAPTER IX

AMENDMENTS TO THE PROTECTION OF PLANT VARIETIES AND FARMERS' RIGHTS ACT, 2001

Amendment of
Act 53 of 2001.

10. In the Protection of Plant Varieties and Farmers' Rights Act, 2001,—

(a) in section 2, —

(i) clauses (d), (n) and (o) shall be omitted;

(ii) for clause (q), the following clause shall be substituted, namely:—

‘(q) “prescribed” means,—

(A) in relation to proceedings before a High Court, prescribed by rules made by the High Court; and

(B) in other cases, prescribed by rules made under this Act;’

(iii) clauses (y) and (z) shall be omitted;

(b) in section 44, the words “or the Tribunal” shall be omitted;

(c) in Chapter VIII, for the Chapter heading, the Chapter heading “APPEALS” shall be substituted;

(d) sections 54 and 55 shall be omitted;

(e) in section 56,—

(i) for the word “Tribunal”, wherever they occur, the words “High Court” shall be substituted;

(ii) sub-section (3) shall be omitted;

(f) in section 57,—

- (i) for the word “Tribunal”, wherever it occurs, the words “High Court” shall be substituted;
- (ii) sub-section (5) shall be omitted;
- (g) sections 58 and 59 shall be omitted;
- (h) in section 89, the words “or the Tribunal” shall be omitted.

CHAPTER X

AMENDMENTS TO THE CONTROL OF NATIONAL HIGHWAYS (LAND AND TRAFFIC) ACT, 2002

11. In the Control of National Highways (Land and Traffic) Act, 2002,— Amendment of Act 13 of 2003.

(a) in section 2,—

- (i) clause (a) shall be omitted;
- (ii) after clause (d), the following clause shall be inserted, namely:—

‘(da) “Court” means the principal Civil Court of original jurisdiction in a district, and includes the High Court in exercise of its ordinary original civil jurisdiction;’;

(iii) clause (l) shall be omitted;

(b) in Chapter II, in the Chapter heading, the words “AND TRIBUNALS, ETC.” shall be omitted;

(c) section 5 shall be omitted;

(d) for section 14, the following section shall be substituted, namely:—

Appeals.

“14. An appeal from any order passed, or any action taken, excluding issuance or serving of notices, under sections 26, 27, 28, 36, 37 and 38 by the Highway Administration or an officer authorised on its behalf, as the case may be, shall lie to the

Court.”;

(e) sections 15 and 16 shall be omitted;

(f) in section 17, for the word “Tribunal”, at both the places where it occurs, the word “Court” shall be substituted;

(g) section 18 shall be omitted;

(h) in section 19, for the word “Tribunal”, at both the places where it occurs, the word “Court” shall be substituted;

(i) section 40 shall be omitted;

(j) in section 41,—

(i) the words “or every order passed or decision made on appeal under this Act by the Tribunal” shall be omitted;

(ii) the words “or Tribunal” shall be omitted;

(k) in section 50, in sub-section (2), clause (f) shall be omitted.

CHAPTER XI

AMENDMENTS TO THE FINANCE ACT, 2017

Amendment of
Act 7 of 2017.

12. In the Finance Act, 2017 (hereinafter referred to as the Finance Act),—

(i) for section 184, the following section shall be substituted, namely:—

Qualifications,
appointment,
etc., of
Chairperson and
Members of
Tribunal.

“184. (1) The Central Government may, by notification, make rules to provide for the qualifications, appointment, salaries and allowances, resignation, removal and the other conditions of service of the Chairperson and Members of the Tribunal as specified in the Eighth Schedule:

Provided that a person who has not completed the age of fifty years shall not be eligible for appointment as a Chairperson or Member:

Provided further that the allowances and benefits so payable shall be to the extent as are admissible to a Central Government officer holding the post carrying the same pay:

Provided also that where the Chairperson or Member takes a house on rent, he may be reimbursed a house rent subject to such limits and conditions as may be provided by rules.

(2) The Chairperson and Members of a Tribunal shall be appointed by the Central Government on the recommendation of a Search-cum-Selection Committee (hereinafter referred to as the Committee) constituted under sub-section (3), in such manner as the Central Government may, by rules, provide.

(3) The Search-cum-Selection Committee shall consist of—

(a) the Chief Justice of India or a Judge of Supreme Court nominated by him— Chairperson of the Committee;

(b) two Secretaries nominated by the Government of India — Members;

(c) one Member, who—

(i) in case of appointment of a Chairperson of a Tribunal, shall be the outgoing Chairperson of the Tribunal; or

(ii) in case of appointment of a Member of a Tribunal, shall be the sitting Chairperson of the Tribunal; or

(iii) in case of the Chairperson of the Tribunal seeking re-appointment, shall be a retired Judge of the Supreme Court or a retired Chief Justice of a High Court nominated by the Chief Justice of India:

Provided that, in the following cases, such Member shall always be a retired Judge of the Supreme Court or a retired Chief Justice of a

High Court nominated by the Chief Justice of India, namely:—

(i) Industrial Tribunal constituted by the Central Government under the Industrial Disputes Act, 1947; 14 of 1947.

(ii) Tribunals and Appellate Tribunals constituted under the Recovery of Debts Due to Banks and Financial Institutions Act, 1993; 51 of 1993.

(iii) Tribunals where the Chairperson or the outgoing Chairperson, as the case may be, of the Tribunal is not a retired Judge of the Supreme Court or a retired Chief Justice or Judge of a High Court; and

(iv) such other Tribunals as may be notified by the Central Government in consultation with the Chairperson of the Search-cum-Selection Committee of that Tribunal; and

(d) the Secretary to the Government of India in the Ministry or Department under which the Tribunal is constituted or established — Member-Secretary.

(4) The Chairperson of the Committee shall have the casting vote.

(5) The Member-Secretary of the Committee shall not have any vote.

(6) The Committee shall determine its procedure for making its recommendations.

(7) Notwithstanding anything contained in any judgment, order or decree of any court or in any law for the time being in force, the Committee shall recommend a panel of two names for appointment to the post of Chairperson or Member, as the case may be, and the Central Government shall take a decision on the recommendations of the Committee preferably within three months from the date on which the Committee makes its recommendations to the Government.

(8) No appointment shall be invalid merely by reason of any vacancy or absence in the Committee.

(9) The Chairperson and Member of a Tribunal shall be eligible for re-appointment in accordance with the provisions of this section:

Provided that in making such re-appointment, preference shall be given to the service rendered by such person.

(10) The Central Government shall, on the recommendation of the Committee, remove from office, in such manner as may be provided by rules, any Member, who—

(a) has been adjudged as an insolvent; or

(b) has been convicted of an offence which involves moral turpitude; or

(c) has become physically or mentally incapable of acting as such a Member; or

(d) has acquired such financial or other interest as is likely to affect prejudicially his functions as a Member; or

(e) has so abused his position as to render his continuance in office prejudicial to the public interest:

Provided that where a Member is proposed to be removed on any ground specified in clauses (b) to (e), he shall be informed of the charges against him and given an opportunity of being heard in respect of those charges.

Explanation.— For the purposes of this section, the expressions —

(i) “Tribunal” means a Tribunal, Appellate Tribunal or Authority as specified in column (2) of the Eighth Schedule;

(ii) "Chairperson" includes Chairperson, Chairman, President and Presiding Officer of a Tribunal;

(iii) "Member" includes Vice-Chairman, Vice-Chairperson, Vice-President, Account Member, Administrative Member, Judicial Member, Expert Member, Law Member, Revenue Member and Technical Member, as the case may be, of a Tribunal.";

(ii) in section 184 as so substituted, after sub-section (10) and before the *Explanation*, the following sub-section shall be inserted and shall be deemed to have been inserted with effect from the 26th May, 2017, namely:—

"(11) Notwithstanding anything contained in any judgment, order, or decree of any court or any law for the time being in force, —

(i) the Chairperson of a Tribunal shall hold office for a term of four years or till he attains the age of seventy years, whichever is earlier;

(ii) the Member of a Tribunal shall hold office for a term of four years or till he attains the age of sixty-seven years, whichever is earlier:

Provided that where a Chairperson or Member is appointed between the 26th day of May, 2017 and the notified date and the term of his office or the age of retirement specified in the order of appointment issued by the Central Government is greater than that which is specified in this section, then, notwithstanding anything contained in this section, the term of office or age of retirement or both, as the case may be, of the Chairperson or Member shall be as specified in his order of appointment subject to a maximum term of office of five years."

Amendment of
section 186.

13. Section 186 of the Finance Act shall be renumbered as sub-section (1) thereof, and after sub-section (1) as so renumbered, the following sub-section shall be inserted, namely:—

"(2) Subject to the provisions of sections 184 and 185, neither the salary and allowances nor the other terms and conditions of service of Chairperson, Vice-

Chairperson, Chairman, Vice-Chairman, President, Vice-President, Presiding Officer or Member of the Tribunal, Appellate Tribunal or, as the case may be, other Authority may be varied to his disadvantage after his appointment.”.

14. In the Finance Act, in the Eighth Schedule, —

Amendment of
Eighth
Schedule.

(i) items 10, 12, 14, and 15 shall be omitted;

(ii) for item 16, the following item shall be substituted, namely:—

(1)	(2)	(3)
16.	National Consumer Disputes Redressal Commission	The Consumer Protection Act, 2019 (35 of 2019)

15. (1) Notwithstanding anything contained in any law for the time being in force, any person appointed as the Chairperson or Chairman or President or Presiding Officer or Vice-Chairperson or Vice-Chairman or Vice-President or Member of the Tribunal, Appellate Tribunal, or, as the case may be, other Authorities specified in the Schedule and holding office as such immediately before the notified date, shall, on and from the notified date, cease to hold such office, and he shall be entitled to claim compensation not exceeding three months' pay and allowances for the premature termination of term of his office or of any contract of service.

Transitional
provisions.

(2) The officers and other employees of the Tribunals, Appellate Tribunals and other Authorities specified in the Schedule appointed on deputation, before the notified date, shall, on and from the notified date, stand reverted to their parent cadre, Ministry or Department.

(3) Any appeal, application or proceeding pending before the Tribunal, Appellate Tribunal or other Authorities specified in the Schedule, other than those pending before the Authority for Advance Rulings under the Income-tax Act, 1961, before the notified date, shall stand transferred to the Court before which it would have been filed had this Ordinance been in force on the date of filing of such appeal or application or initiation of the

43 of 1961.

proceeding, and the Court may proceed to deal with such cases from the stage at which it stood before such transfer, or from any earlier stage, or de novo, as the Court may deem fit.

(4) The balance of all monies received by, or advanced to, the Tribunal, Appellate Tribunal or other Authorities specified in the Schedule and not spent by it before the notified date, shall, on and from the notified date, stand transferred to the Central Government.

(5) All property of whatever kind owned by, or vested in, the Tribunal, Appellate Tribunal or other Authorities specified in the Schedule before the notified date, shall stand transferred to, on and from the notified date, and shall vest in the Central Government.

Power
remove
difficulties.

to

16. (1) If any difficulty arises in giving effect to the provisions of this Ordinance, the Central Government may, by general or special order published in the Official Gazette, make such provisions, not inconsistent with the provisions of this Ordinance, as appear to it to be necessary or expedient for removing the difficulty.

(2) Every order made under this section shall, as soon as may be after it is made, be laid before each Houses of Parliament.

THE SCHEDULE
(See section 15)

1. Appellate Tribunal under Cinematograph Act, 1952 (37 of 1952).
2. Authority for Advance Rulings under Income-tax Act, 1961 (43 of 1961).
3. Airport Appellate Tribunal under Airports Authority of India Act, 1994 (Act 55 of 1994).
4. Intellectual Property Appellate Board under Trade Marks Act, 1999 (47 of 1999).
5. Plant Varieties Protection Appellate Tribunal under Protection of Plant Varieties and Farmers' Rights Act, 2001 (53 of 2001).

RAM NATH KOVIND,
President.

DR. G. NARAYANA RAJU,
Secretary to the Govt. of India.

- (i) at page 3, in line 7, *for* “3.”, *read* “4.”;
- (ii) at page 5, in line 22, *for* “word”, *read* “words”;
- (iii) at page 7, in line 26, *for* “AIRPORT”, *read* “AIRPORTS”;
- (iv) at page 22, in line 5, *for* “(Act 55 of 1994)”, *read* “(55 of 1994)”

ಭಾಗ ೪

ಕರ್ನಾಟಕ ರಾಜ್ಯಪತ್ರ, ಗುರುವಾರ, ೨೩, ಡಿಸೆಂಬರ್, ೨೦೨೧

೧೧೪೩

ಕರ್ನಾಟಕ ರಾಜ್ಯಪಾಲರ ಆದೇಶಾನುಸಾರ
ಮತ್ತು ಅವರ ಹೆಸರಿನಲ್ಲಿ

(ಆರ್. ಶ್ರೀನಿವಾಸ)
ಸಹಾಯಕ ಪ್ರಾರೂಪಕಾರ ಮತ್ತು ಪದನಿಮಿತ್ತ
ಸರ್ಕಾರದ ಉಪ ಕಾರ್ಯದರ್ಶಿ
ಸಂಸದೀಯ ವ್ಯವಹಾರಗಳು ಮತ್ತು
ಶಾಸನ ರಚನೆ ಇಲಾಖೆ

PR-103